

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re: )  
)  
CERTIFICATES OF SERVICE; PROPOSED ORDER/ )  
JUDGMENT; WIRELESS COMMUNICATION )  
DEVICES; CH. 13 CLAIMS SECURED BY REAL ) GENERAL ORDER NO. 06-1  
PROPERTY; MISCELLANEOUS AND TECHNICAL )  
MODIFICATIONS )  
)

IT IS ORDERED THAT:

1. This General Order (G.O.) is effective immediately, except for Pts. 2, 3, 4 and 6 which will become effective on August 1, 2006. It applies to all bankruptcy cases and adversary proceedings filed in those cases, unless limited to only certain bankruptcy cases and their related adversary proceedings herein.

2. The first sentence of Pt.14.c. of G.O. No. 03-3 is modified regarding certificates of service by ECF Participants to read as follows:

“c. The filing participant shall conventionally serve a copy of a filed document upon all non-participants entitled to notice or service in accordance with the applicable rules, and include a certificate of service as an attachment to the original filed document that includes BOTH: (1) a clearly identified list of the names and addresses of all parties served conventionally using paper, AND (2) a clearly identified list of the names of all parties requiring service that will be served electronically via ECF.”

3. Pt. 25 of G.O. No. 03-3 is modified regarding the list of parties requiring service to read as follows:

“25. Unless otherwise provided in an applicable G.O. or the Administrative Procedures, LBRs 1002-1.D, 1006-1.A., 3001-1., 3004-1., 3007-1.A., 3015-1.A., 3015-1.B., 9021-1.A. and 9033-1.B. are modified to:

a. require that a list of names and addresses of all parties requiring conventional paper service, followed by, if being filed by an ECF Participant, a clearly identified list of the names of all parties requiring service that will be served electronically via ECF, be attached at the end of any electronically submitted document (e.g., see the Administrative Procedures re: Orders); and

b. eliminate the requirement to file envelopes.”

4. Pt. 49 of G.O. No. 03-3 is modified regarding the list of parties requiring service to read as follows:

“49. LBR 9033-1.B.2. re: Proposed Findings of Facts and Conclusions, and Reports and Recommendations is modified to require that a list of the names and mailing addresses of all parties requiring conventional service of such document, followed by, if being filed by an ECF Participant, a clearly identified list of the names of all parties requiring service that will be served electronically via ECF, must be included as an attachment at the bottom of the document, and to eliminate the requirement for a copy of any such document.”

5. Pt. 13.b. of G.O. No. 03-3 is modified to read as follows:

“b. Unless using an LBF, the last line of every proposed order/judgment must be delineated by three (3) pound symbols (###) centered on the line which immediately follows the last line of text in the body of that proposed document.”

6. Pt. 48. of G.O. No. 03-3 and LBR 9021-1.A., etc. are amended to read as follows:

“a. LBR 9021-1.A., Etc. Re: Proposed Order/Judgment. Every proposed order/judgment must both comply with G.O. No. 03-3 Pts. 13.a., and 13.b. as modified in Pt. 5 of this G.O. Except for stipulations whose requirements are set forth below, every proposed order/judgment must be presented as a totally separate document from any other related document unless it is being submitted using an LBF.

b. Stipulated Order/Judgment. Requirements for a stipulated order/judgment are:

(1) General. The stipulation/motion language and signatures must only be placed after the three (3) pound signs (###) denoting the end of the order or judgment text.

(2) Electronically Filed Stipulation Intended to Delay/Stop Entry of an Imminent Court Order (e.g., Discharge, Dismissal). If an electronically filed stipulated order/judgment is being submitted in an attempt to delay or stop the automatic and immediate entry of an imminent court order upon the expiration of pending deadlines for such entry, the e-filer should BOTH:

(a) File a PDF of the proposed order/judgment using the event that would have been used if a stipulation had not been reached (e.g., Motion to Delay Entry of Discharge). Examples of stipulations that should be filed in this manner include Objections to Dismissal for failure to timely comply with legal requirements, and Motions to Delay Entry of Discharge, Extend Time to File §727 Complaints and Extend Time to File Documents.

AND (b) Submit the same PDF again using the “Upload Order on Previously Filed Motion” option under the Order Upload event, AND link it to the document filed in b.2.(a) above, for judicial review.”

7. The provisions of Pt. 2 of G.O. No. 99-1 re: the requirement to file LBF #1340 (Certification Re: Tax Returns and Proof of Income) do not apply to Chapter 13 cases filed on or after 10/17/05.

8. LBR 1003-1.D. and Pt. 27 of G.O. No. 03-3 are further modified to read as follows:

“SUMMONS

Following the filing of an involuntary petition, the Clerk shall issue an Involuntary Case Summons to the attorney for the petitioning creditors for service pursuant to FRBP 1010. However, any petitioner who electronically files an involuntary petition shall instead print and use a summons electronically issued, if one is so issued by the court via the ECF system during the filing process, for service.”

9. LBR 1006-1. is amended to add a new LBR 1006-1.E. which shall read as follows:

“E. WAIVER OF FILING FEE

28 U.S.C. §1930(f) solely applies to the waiver of the fees required for the filing of a voluntary Chapter 7 petition by an individual.”

10. LBR 1007-2.C. is stricken as unnecessary per FRBP 1007(a)(1) provisions.

11. LBRs 1007-2.D. and 1007-2.E. are renumbered as LBR 1007-2.C and LBR 1007-2.D., respectively.

12. [Only applies to cases filed on or after 10/17/05] LBR 1007-4. is amended to require that a Debtor’s Motion for Either: (1) Extension of Time to File a Certificate Re: Receipt of a Credit Counseling Briefing; OR (2) Exemption from Credit Counseling Briefing and/or Financial Management Course shall be filed using LBF #100.3.

13. LBR 3007-1.B. is modified to read as follows:

“CHAPTER 7 TRUSTEE DUTIES

Prior to filing the final report a Chapter 7 trustee shall examine filed claims, and file and serve objections thereto as required by LBR 3007-1.A.”

14. LBR 3015-1.B. is amended to add an additional subsection that reads as follows:

“Payment of Certain Mortgage Arrears and Other Claims Secured by Real Property. If the debtor(s) and Chapter 13 trustee agree, mortgage arrears and other claims secured by real property may be paid directly from closing to the creditor upon a sale or refinance of the property, and the Chapter 13 trustee shall take the trustee’s authorized fee based upon the claim(s) paid through escrow by demand to the escrow.”

15. LBR 5073-1. is amended to add provisions regarding wireless communication devices and violation of that LBR that read as follows:

““Wireless communication devices’ shall include, but are not limited to, mobile phones, iPods, or Mp3 players and personal digital assistants (PDAs). Except as authorized by a judge, wireless communication devices must be turned off while in a courtroom. They may be turned on when not in a courtroom, however, the device shall not record, receive, or transmit video images, pictures, signals or movies at any time when inside a ‘courtroom area’ as defined in LBR 5073-1.A.

Violation of any provision of this LBR may result in the offending device being confiscated by United States Marshal’s Office personnel and the violator referred to the court for contempt or other sanction proceedings.”

16. LBR 7001-1.A. is amended to read as follows:

“A. FILING FEES

The applicable filing fees shall accompany each adversary complaint, except for complaints filed by debtors who are not DIPs, the UST and a trustee or DIP in cases when it is certified, in a separate written document if conventionally filed on paper, that there are insufficient funds available at the time of filing. The fee waiver provisions of 28 U.S.C. §1930 do not apply to adversary proceeding fees.”

17. LBR 7001-1.B.1.a. is amended to read as follows:

“a. General. To commence an adversary proceeding or file a stipulated judgment where no complaint has been filed, the filing party, if conventionally filing documents on paper, shall file the original of a fully completed bankruptcy adversary cover sheet, and the original complaint or proposed judgment. LBR 7026-1.F. also applies.”

18. LBR 7026-1.A., Pt. 1(c) of G.O. No. 98-2 and Pt. 34 of G.O. No. 05-1 are all further modified so that LBR 7026-1.A. reads as follows:

“A. GENERAL

LRs 16.2 (re: ‘Completion of Discovery’ definition); 7.1(d)(1), 7.1(d)(3), and 26.5(a) and (b), 7.1(a), 26.5(c), 26.7(a), 30.2, 30.3, 30.5, 30.6, 30.8, 33.1(c) and (d), 33.2(a) and (b), 33.3, 33.4(b), 34.1(c), 34.2, 36.1(c), 36.2, 37.1 and 37.2 apply. The following also apply:

1. Pre-Trial Conference. The parties shall be prepared to indicate which form of discovery they believe appropriate for the case.
2. Discovery Order. Following any initial pre-trial conference, the court will issue and serve interested parties with an Order Re: Application of FRCP 26.”

19. LBR 9013-1.D.2. is modified to read as follows:

“2. Exception. If less than ten days notice of a hearing is provided, then BOTH the response AND a separate clearly marked “JUDGES COPY” shall be filed and served by 4:30 P.M. on the business day immediately prior to the hearing.”

20. LBR 9015-1. and Pt. 1 of G.O. No. 98-2 are modified so that LBR 9015-1.A. reads as follows:

“A. FRCP and LR APPLICABILITY

FRCPs 38, 39, 47-51 and 81(c) insofar as it applies to jury trials, and LRs 47, 48 and 51.1(c) and (d), apply in cases and proceedings, except that a demand made under FRCP 38(b) shall be filed in accordance with FRBP 5005.”

/s/ Elizabeth L. Perris  
Chief Bankruptcy Judge